Remarks

Applicants respectfully request reconsideration of this application as amended. Claims 1, 19 and 27 have been amended. No claims have been cancelled. Therefore, claims 1-4, 6-8, 19-23, 25 and 27-30 are presented for examination.

Claim 27 stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants submit that rejection has been obviated by the amendment of claim 27.

Claims 1, 19 and 27 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants submit that the claims contain subject matter properly described in the specification. Particularly, claims 1, 19 and 27 each recite a process of a wireless device initiating synchronization with a server by automatically transmitting the batch transaction update to the server upon the first message transaction update and the second message transaction update being combined.

The specification beginning at page 31, line 15 discloses that any actions performed on the wireless device 130 are automatically updated on the service 102 and any transactions occurring at the service 102 are automatically reflected on the device 130. As an example a process is described such that whenever a user views an email message using the device 130, an indication that the user viewed the message is transmitted to the service 102 (via the interface 100). Accordingly, when the user subsequently connects to email via the client 110, the email will appear as having already been viewed.

Further, a batch processing mechanism is disclosed at page 32 of the specification where a plurality of message transactions are performed on the data processing device before

the device is synchronized with the service 102. Subsequently, a single transmission 1201 containing all of the synchronization updates is transmitted.

Based on the above-description from the specification, applicants submit that one of ordinary skill in the art would recognize that synchronization could be initiated at the device by automatically transmitting a batch transaction update to the server once message transaction updates are combined. Therefore, claims 1, 19 and 27 are properly supported by applicants specification.

Claims 1, 2, 4, 8, 27, 28, and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Multer et al. (U.S. Patent No. 6,671,757). Applicants submit that the present claims are patentable over Multer.

Multer discloses a system and method for synchronizing devices. The system includes a first sync engine on the first system interfacing with data on the first system to provide difference information. A data store is coupled to the network and in communication with the first and second systems. A second sync engine is provided on the second system coupled to receive the difference information from the data store via the network, and interface with data on the second system to update said data on the second system with said difference information. Difference information is transmitted to the data store by the first sync engine and received from the data store from the second sync engine. See Multer at Abstract. Further, Multer discloses the synchronization process being implemented via "pull" and "push" processes upon occurrence of a triggering mechanism for initiating synchronization. For instance, some devices, such as Windows clients and Palm pilots are triggered manually when the user presses a "sync" button. Other devices, such as a cellular

telephone, may be triggered automatically after another device completes a sync. Regular, time-based triggers are supported as well (col. 35, ll. 4-22).

Claim 1 of the present application recites a wireless device initiating synchronization with a server by automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update being combined. Applicants submit that nowhere in Multer is there disclosed a process of initiating synchronization by automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update being combined. Instead, Multer discloses initiating synchronization via triggering mechanisms such as manually triggers, time-based triggers, etc. However, such triggers are not analogous to automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update being combined. Thus, claim 1 is patentable over Multer.

Claims 2-4 and 6-8 depend from claim 1 and include additional features. Therefore, claims 2-4 and 6-8 are also patentable over Multer.

Claim 19 recites control logic initiating synchronization with the server by automatically transmitting the batch transaction update to the server upon the first message transaction update and the second message transaction update being combined. Thus, for reasons described above with respect to claim 1, claim 19 is also patentable over Multer. Because claims 20-23 and 25 depend from claim 19 and contain additional features, claims 20-23 and 25 are also patentable over Multer.

Claim 27 recites initiating synchronization with a server by automatically transmitting the batch transaction update to the server upon the first message transaction update and the

second message transaction update being combined. For reasons described above with respect to claim 1, claim 27 is also patentable over Multer. Because claims 28-30 depend from claim 27 and contain additional features, claims 28-30 are also patentable over Multer.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Multer et al. (U.S. Patent No. 6,671,757) in view of Przybysz (U.S. Patent No. 6,188,695). Applicants submit that the present claims are patentable over Multer even in view of Przybysz.

Przybysz discloses a telecommunications system in which a high-availability intelligent node maintains synchronization between various nodes by utilizing an index manager and a data transfer function. See Przybysz at Abstract. However, nowhere in Przybysz is there discloses or suggested a process of initiating synchronization by automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update being combined.

As discussed above, Multer also fails to disclose or suggest initiating synchronization by automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update being combined. Thus, any combination of Multer and Przybysz would also fail to disclose or suggest initiating synchronization by automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update being combined. As a result, the present claims are patentable over Multer in view of Przybysz.

Claims 7, 19, 20, 21, 23 and 25 stand rejected under under 35 U.S.C. § 103(a) as being unpatentable over Multer et al. by Shaffer et al. (U.S. Patent No. 6,003,089). Applicants submit that the present claims are patentable over Multer even in view of Shaffer.

Shaffer discloses a method including preserving an original packet, constructing a larger packet by combining two packets. Either the original packet or the larger packet is transmitted over the network. The original packet is transmitted if a media/port becomes available for transmission before the larger packet is constructed, and the larger packet is transmitted if the constructing of the larger packet is completed before the media becomes available. See Shaffer at Abstract.

Nonetheless, Shaffer does not disclose or suggest a process of initiating synchronization by automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update being combined. As discussed above, Multer does not disclose or suggest initiating synchronization by automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update being combined. Therefore, any combination of Multer and Shaffer would fail to disclose or suggest such a feature. Accordingly, the present claims are patentable over Multer in view of Shaffer.

Claims 3 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Multer et al. in view of Herrod et al. (U.S. Patent No. 6,675,203). Applicants submit that the present claims are patentable over Multer even in view of Herrod.

Herrod discloses a method for providing for a way to ensure that an application program running on a host computer handles data received from at least one mobile computer terminal when one of the mobile computer terminals goes out of range of the wireless network. See Herrod at Abstract. Nevertheless, Herrod does not disclose or suggest a process of initiating synchronization by automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update

being combined. As discussed above, Multer does not disclose or suggest such a feature. Therefore, any combination of Multer and Herrod would also fail to disclose or suggest the feature. Accordingly, the present claims are patentable over Multer in view of Herrod.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Multer in view of Shaffer as applied to claim above, and further in view of Herrod. Applicants submit that the present claims are patentable over any combination of Multer, Shaffer and Herrod.

As discussed above, Multer, Shaffer and Herrod each fail to disclose or suggest initiating synchronization by automatically transmitting a batch transaction update to a server upon a first message transaction update and a second message transaction update being combined. Therefore, any combination of Multer, Shaffer and Herrod would also fail to disclose or suggest such a feature. Accordingly, the present claims are patentable over Multer in view of Herrod a combination of Multer, Shaffer and Herrod.

Applicants respectfully submit that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Mark L. Watson
Reg. No. 46,322

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980